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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 GARY W. WALTERS,)
9 Plaintiff,)
10 v.)
11 BRIAN WILLIAMS, SR. et al.,)
12 Defendants.)
13 _____)

2:15-cv-02196-JAD-VCF

ORDER

14 **I. DISCUSSION**

15 This action is a civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual
16 who was in the custody of the Nevada Department of Corrections at the time he initiated this
17 case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in*
18 *forma pauperis* for prisoners. (ECF No. 1). In this Court's April 12, 2016 screening order, the
19 Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 4 at 7).
20 The screening order also imposed a 90-day stay and the Court entered a subsequent order
21 in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 4,
22 16). The Office of the Attorney General has filed a status report indicating that settlement has
23 not been reached and informing the Court of its intent to proceed with this action. (ECF No.
24 31).

25 The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a
26 non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.
27 After the Court determines the matter of the payment of the filing fee, the Court will issue an
28 order on the matter of service.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full filing fee of \$400.

10 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
11 dismissal of this action may result.

12 IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee this
13 Court shall issue a subsequent order on the matter of service.

15 DATED: This 15th day of September, 2016.

Carl Becker

United States Magistrate Judge